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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,241	08/01/2003	Soo Keong Ong	42P16798	3317

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EXAMINER

PATEL, NIKETA I

ART UNIT PAPER NUMBER

2181

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/632,241	Applicant(s) ONG ET AL.	
	Examiner Niketa I. Patel	Art Unit 2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Supervisory
Fritz Fleming
PRIMARY EXAMINER
GROUP 2109
Aug 21 2006
3/16/2006

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 4-6, 8-9, 13-14, 16-17, 19-21, 23-24, 28-29 rejected under 35 U.S.C. 102(e) as being anticipated by Watts, Jr. et al. U.S. Patent Number 6,735,663 B2 (hereinafter "*Watts*").

3. **Referring to claims 1, 9, 16, 24, *Watts*** teaches a circuit, a method, a computer system and a machine-readable medium having stored thereon data representing sequences of instructions that, when executed by a processor, causes the processor to perform operations comprising: a first device [see figure 2, element 276] coupled with a first bus [see figure 2, element 250], wherein the first device is not compliant with a standard [see column 4, lines 18-19, 'LPC bus'], the first device containing data [see column 4, lines 20-22, 'instruction code']; a second device [see figure 2, element 247] coupled with a second bus [see figure 2, element 245], wherein the second device is compliant with the standard [see column 4, lines 11-12, 'PCI bus'], the second device to be a temporary target for the data from the first device [see column 4, lines 18-23]; and a memory to receive the data from the first device [see figure 2, element 220.]

4. **Referring to claim 2, *Watts*** teaches a plurality of devices coupled with the second bus wherein each of the plurality of devices is compliant with the standard, and wherein the plurality of devices includes the second device [see figure 2, elements 246, 247, 415.]

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5. **Referring to claims 4, 19, *Watts*** teaches wherein the second device comprises a function of a physical device [see figure 2, element 248.]
6. **Referring to claims 5, 20, *Watts*** teaches wherein the first device comprises flash memory [see figure 2, element 276.]
7. **Referring to claims 6, 14, 21, 29, *Watts*** teaches wherein the data comprises an operating system [see column 4, lines 18-23, 'BIOS'.]
8. **Referring to claims 8, 13, 23, 28, *Watts*** teaches wherein the standard comprises a PCI (peripheral component interconnect) specification and wherein the second bus is a PCI bus [see column 4, lines 11-12, 'PCI bus'.]
9. **Referring to claim 17, *Watts*** teaches wherein the computer system is an embedded system [see column 3, lines 59-61, 'PC system' and figure 2 and figure 1, element 105.]

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 3, 10-12, 18, 25-27 and 31-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Watts* (U.S. Patent Number 6,735,663 B2) as applied to claims 1, 9, 16, 24 above, and further in view of Ma U.S. Patent App. Pub. Number: 2004/0003297 A1 (hereinafter "*Ma*".)

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12. **Referring to claims 3, 10-12, 18, 25-27**, *Watts* teaches further comprising a controller [see figure 2, elements 215] coupled with the first bus and the second bus, however does not set forth the limitation of scanning the plurality of standard devices to identify the second device (suitable device) and wherein identifying the standard device comprises choosing the standard device, before commencing operation. *Ma* teaches to scan plurality of devices to identify the devices [see *Ma* paragraph 0032-0033, 'enumeration', 'configuration', 'scan the PCI bus'] in order to determine which types of devices are present and enabling these devices for communication.

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the system of *Watts* to be able to determine the types of devices that are present and enabling the present device for communication. It is for this reason that one of ordinary skill in the art would have been motivated to implement system of *Watts* to be able to determine device types and enabling the device for communication.

13. **Referring to claim 31, 32, 34, 35**, teachings of *Watts* as modified by the teachings of *Ma* teaches a second controller [see *Watts* figure 2, elements 210] coupled with the controller [see *Watts* figure 2, elements 215] and the memory [see *Watts* figure 2, elements 220], wherein the memory receives the data via the second controller [see *Watts* column 3, lines 64-66.]

14. **Referring to claims 33, 36**, teachings of *Watts* as modified by the teachings of *Ma* teaches wherein the dispatching of the data to memory comprises transferring the data to memory via a second controller that is coupled with the memory and the first controller [see *Watts* figure 2, elements 210, 215, 220 and column 3, lines 64-66.]

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15. Claims 7, 15, 22, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Watts* (U.S. Patent Number 6,735,663 B2) as applied to claims 1, 9, 16, 24 above, and further in view of Powderly et al. U.S. Patent Number: 6,560,641 (hereinafter "*Powderly*").

16. Referring to claim claims 7, 15, 22, 30, *Watts* teaches wherein the first device comprises flash memory [see *Watts* figure 2, element 276] however does not teach wherein the data includes a boot loader, the boot loader being stored as an option-ROM for the first device. *Powderly* teaches this limitation [see *Powderly* column 4, lines 37-41] in order to provide additional BIOS level control of certain low-level features.

One of ordinary skill in the art at the time of applicant's invention would have clearly recognized that it is quite advantageous for the system of *Watts* to be able to include BIOS extensions (Option ROM) in order to provide additional BIOS level control of certain low-level features. It is for this reason that one of ordinary skill in the art would have been motivated to implement system of *Watts* with Option-ROM.

Response to Arguments

17. Applicant's arguments with respect to rejection of claims 1, 5, 9, 16, 20, 24 under 35 U.S.C 102(b) and rejection of claims 2-4, 6-8, 10-15, 17-19, 21-23, 25-30 under 35 U.S.C. 103(a), has been considered but are moot in view of the new ground(s) of rejection.

18. Applicant's arguments filed 12/12/2005, with respect to rejection of claims 24-30 under 35 U.S.C. 101, have been fully considered but they are not persuasive. However, Claim 24 is in proper form since line one, recites 'A machine-readable medium having stored thereof'.

Therefore rejection of claims 24-30 under 35 U.S.C. 101 has been withdrawn.

Conclusion

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niketa I. Patel whose telephone number is (571) 272 4156. The examiner can normally be reached on M-F 8:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fritz Fleming can be reached on (571) 272 4145. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NP
03/11/2006

Fritz M. Fleming
Supervisory **FRITZ FLEMING**
PRIMARY EXAMINER
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Art 2181 3/16/2006